

The Hamilton County Board of Commissioners met on Monday, February 11, 2002 in the Commissioners Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Clark called the public meeting to order at 1:45 pm. A quorum was declared present of Commissioner Sharon R. Clark and Commissioner Steven A. Holt. Commissioner Steven C. Dillinger was absent. The Pledge of Allegiance was recited by everyone.

**Approval of Minutes:**

Holt motioned to approve the January 14, 2002 minutes. Clark seconded. Motion carried unanimously.

**Executive Session Memoranda:**

Holt motioned to approve the Executive Session Memoranda for February 11, 2002. Clark seconded. Motion carried unanimously.

**Plat Approvals: (Tape 1, #44)**

**Merrimac:**

**Canal Place:**

Mr. Steve Broermann recommended the approval of the plat for Merrimac, Section 3. The plat for Canal Place was originally on the agenda and was removed because the necessary signatures were not on the plat. Mr. Gordon Beyers attempted to acquire those signatures before today's meeting and he could not because Mr. Dragoo of the Noblesville Plan Commission is out of town. The Highway Department is not recommending approval, but we would like to allow Mr. Beyers to speak to any questions the Commissioners may have. Holt asked if you are not recommending approval because of the signature? Mr. Broermann stated correct. Holt asked if you have no problem with the plat other than the signatures were not obtained? Mr. Broermann stated the necessary signatures from the County have been obtained and the County Subdivision Review Sheet has been signed. The only signature not on the plat is the Noblesville Plan Commission President. Holt stated it would not be recordable without that signature, correct? Mr. Broermann stated correct. Holt stated we could approve it today, it could not be recorded until Mr. Dragoo's signature is obtained? Mr. Broermann stated correct. Holt motioned to waive our procedure and sign off on the Canal Place plat. Clark seconded. Motion carried unanimously. Holt motioned to approve the Merrimac plat. Clark seconded. Motion carried unanimously.

**Dick Frost Commentary: (Tape 1, #135)**

Mr. Dick Frost requested he be added to the agenda and be allowed to speak. Clark stated she has asked Mr. Howard to respond to Mr. Frost's written list of items he wanted to discuss with the Commissioners. Clark asked Mr. Frost if that would be agreeable? Mr. Frost stated if that is your wish. Clark stated Mr. Howard will respond to Mr. Frost's concerns. Mr. Howard stated he is not sure he has the ability to respond to each and every concern, because he does not understand some of the concerns. There are two issues, one the illegality of the meetings on the 2nd and 4th Mondays - these meetings are set pursuant to Indiana Code 36-2-2-6, which says the Executive shall hold regular meetings once a month and at such other times as needed to conduct all

necessary business. It requires dates of the meeting shall be established by the Board. This Board on a regular basis approves the list of meetings early in the prior year so that information is available in the minutes and to the public. You also asked about why Mr. Howard did not file a Conflict of Interest, the Conflict of Interest is in the criminal code and is required if a public servant derives a benefit from a contract other than the contract for their position. Mr. Howard stated he does not meet the definition of public servant, he is not a person who has the legislative or executive authority to approve or disapprove contracts. Mr. Howard stated he does not receive any outside remuneration from any of the contracts that are entered into in by the county. The statute is not applicable. Mr. Howard asked Mr. Frost to define the other issues a little more clearly and forward them to him by mail. Clark stated Mr. Frost has asked about the meetings and we have explained it is an inconsistency in Indiana law. We appreciate the fact it is a concern, but she does not believe that any of us are going to take the time to move to the legislature to work on it at this time. Mr. Howard stated as to the Executive Session one section of Indiana Code says you must adjourn to Executive Session from a meeting but another section of the code says that you can not go from open meeting into Executive Session and then back into open meeting. We are faced with the quandary of violating one or the other.

### **Bid Openings:**

Mr. Howard and Ms. Mills opened the bids in the Conference Room 1A.

### **96th Street Project: (Tape 1, #360)**

Mr. Barry Wood, stated he is a member of the McCordsville Town Council but he is here today as a private citizen. He is representing residents of five separate subdivisions that border 96th Street, Highland Springs North and South, Cardinal Woods, Brookstone and Cambridge. As a group there is an overwhelming majority that the proposed 5 lane widening of 96th Street is not needed. Most of us attended a public meeting in September where traffic counts were presented to us. At the time we pointed out to the Highway Department that those traffic counts were taken when Mt. Comfort Road was closed at 96th Street which detoured traffic down that road. The person representing the Highway Department acknowledged that, but we saw nothing else done. Mr. Wood asked the Hancock County Highway Department to take new traffic counts. Those were done last week. They did 48 hours worth of counts and Hamilton County Highway Department came up with close to 8,700 cars per day, Hancock County's count showed 4,250. That should say we should take another look at the entire scheme. Mr. Wood stated he is struggling with the term congestion@ looking at the aerial map and 3 cars on a one mile stretch of road does not mean congestion. At peak times, during rush hours, by our road count there were 450 cars in the morning. That is one car every 8 seconds. That does not constitute congestion. A lot of the residents have pointed out that if this road does become 5 lanes, within a half mile it funnels back to 2 lanes on Fall Creek. Where is all this traffic going to go? Will this create a bigger bottleneck than what you say is there is now? Mr. Wood stated he travels Fall Creek every day and he does not have congestion problems, the traffic flows very well. Turn lanes have been put in appropriate places, acceleration and deceleration lanes at subdivisions. Mr. Wood stated he knows this road shows up on the Thoroughfare Plan and that plan was developed in the late '80's. Maybe it is time to take another look at it. Was there a corridor study done for this project, taking into account lane usage? Five lanes are generally restricted to commercial areas, in our area the one mile stretch of road is completely residential. There are two plots of land that are not developed and they are both zoned residential and have plans to be

residential. There have been exceptions to the Thoroughfare Plan in the past and that is all we are asking here. Mr. Wood stated he has received letters from Commissioner Dillinger and Commissioner Clark that both state that at some point scaled down versions were going to be asked for and looked at. He has not seen any other versions. Mr. Dillinger's letter points out that once a determination has been made and the scaled down models have been looked at another public meeting will be called and that has not happened yet. Has the scaled down versions been presented to the Commissioners? Clark asked if the public meeting that Dillinger referred to has been held? Mr. Locke stated not one out in the neighborhood. Mr. Matt Morasch stated there has only been one meeting, which was the initial meeting. We did look at some scaled down versions and they were presented to the Board of Commissioners and at that meeting we selected the option that was sent to McCordsville. Clark stated we did not have a public meeting? Mr. Morasch stated not a second meeting until we get the design further along so we have plans to show everyone. We don't have any plans yet. Clark stated the scaled down meeting that Mr. Dillinger presented to the public, was not, it was presented to the Board of Commissioners? Mr. Morasch stated correct. Mr. Wood stated the version that is on the table now is the exact same as the first proposal presented. Mr. Morasch stated it is not exactly the same, we looked at narrowing our right-of-way requirements, leaving some path. Clark stated we did not cut down lane size or anything to make the project smaller? Mr. Morasch stated no. Mr. Morasch stated we moved the centerline of the road to work within existing right-of-ways and considered using retaining walls throughout the project to limit right-of-way as well. Mr. Wood stated they did move the entire project 42' to the north. Clark stated meaning that the project would not need land on the south? Mr. Morasch stated yes. Mr. Wood stated the original proposal called for 60' half right-of-way on the south and now it requires 40'. Mr. Wood stated we are coming here as a community that lives on this road and uses this road and asking you to please reconsider damaging our road. If you would add acceleration and deceleration lanes to the subdivision and also putting a passing lane on the opposite side of those subdivisions, which is currently being done at Cambridge, that in itself would more than make up for any problem with future traffic. If you take the numbers he presented, the 4,250 and take it out 20 years as the Highway Department did in their initial presentation, you are still under 8,000 cars a day. We don't know whose numbers are right. We don't feel this is needed. If you are going to build roads to accommodate peak times, then SR 37 needs to be widened to about 8 lanes. The traffic will flow on 2 lanes if you do the intersections and provide relief at the subdivisions.

Ms. Liz Najjar, Highland Springs, stated the thought of a four or five lane road behind her home frightens her terribly. She is speaking for all the parents along that road. She is a stay at home mom and looks at this road everyday and the traffic is minimal. Ms. Najjar asked the Commissioners to rethink this decision. It is truly a residential area.

Mr. Bill French, Windjammer, stated he is located just west of Geist Road. There are 55 lots in Windjammer, which 15 lots front Fall Creek. We are extremely concerned that by widening 96th Street, east of Geist Road and coming west in a very short period of time you will be asking us to agree to widen Fall Creek Road in front of our homes. We do not think that the traffic flow that exists today warrants a four lane road. There is no one in our neighborhood who is complaining because of the amount of traffic that is on Fall Creek Road. We can all get to work, church, school and to play without any difficulty. We think the expenditure of this money is a misuse of these funds and there is a much better opportunity to spend the money in other areas and other ways.

Mr. Todd Hancock, Highland Springs South, stated they have been working on this since August. We are not opposed to progress, we are questioning the massive scale of the 5 lane road in a suburban area. Mr. Hancock lives on the barrier mound system which is part of Highland Springs Addition. The moving of the centerline north 42' will be in his area. This will still take out the mound system. The right-of-way of the road goes through the centerline of the contiguous mound system on 1000N. 42' allows that south right-of-way line to be in the center of the mound system. There are 9 to 12 homes that are \$250,000 and up are going to lose this barrier safety secure mound system that are families rely upon for safety of vehicle traffic. Mr. Hancock asked the commissioners to look at other options for scaling back the proposal. We have not seen a scaled back version, we have seen a moved version of 42' still taking out our mound system. Tomorrow night the McCordsville Town Council will vote on the issue of the path. If they do that it will entail taking private property which does get in to septic systems, wells and potential condemnation of homes.

Mr. Paul Dick presented a letter from the Highland Springs North Homeowners Association stating they are strongly opposed to the plan. Traffic volumes do not warrant this type of expansion of the road. Expanding that portion of the road does not make sense given the fact that we are as close to the City of Indianapolis. It is difficult to increase that road given the terrain and the housing additions. Being a 14 year resident of Hamilton County, there are a lot of areas in the county that need the funds for road improvements for today's needs. Expending these types of funds to the level that is being proposed is a poor use of taxpayer funds. We would like to see the road made safe for planned growth and based on discussion with the residents of Highland Springs North, the fact that two lanes with accel and decel lanes at the entrances would be strongly supported. The fact that improvements at the intersections of Fall Creek Road and Olio Road would do the job too. Also, for quality of life, a reasonable width sidewalk so people could enjoy the road and area. Mr. Dick stated he would like the possibility of a corridor study in that area from Mollenkopf to Olio Road would give a better handle of that area.

Mr. Wayne Denny stated he has never found out why the five lanes are needed. Mr. Locke stated we are looking forward to the growth in the area. We believe it is the least costly to the taxpayers to be progressive and look at locations to improve where we can go in and improve them one time and not go through expensive costs relocating utilities. There are a lot of additional utilities that want to go down that section of road. Even if we don't do it now and have to do it in 10-15 years, we would have to relocate those utilities and build in a lot of costs in the project at that point. It is a delay, it is also a more expensive way of completing our road system throughout the years. In areas such as this, where right-of-way does exist to get these roads constructed before they are completely filled with utilities so we can plan and work with utilities so we don't have to pay as taxpayers or as rate payers for utilities to relocate. That is probably one of the most expensive and driving forces to what we are doing. We do see the traffic growth. He knows a lot of people do not feel there will be much traffic out there. In the 12 years he has been here, there are a lot of roads that people thought there would never be traffic there. We see no down turn in the growth in Hamilton County. We are seeing a 8% increase every year in vehicle miles traveled in Hamilton County. With those kind of numbers we have to get ahead of these issues. We see it as progressive, the right thing to do, the least costly thing to do with taxpayer's money. While it may not seem you need it right now, we still feel good planning and working in advance, rather than waiting until it is totally congested, is the appropriate direction to take. The Commissioners did look at different options of less lanes and there were some lesser cost

alternatives in immediate terms, to put some of those lanes but in long term it would be a more expensive solution to do a two lane facility at this time and then come back in the future. They did look at scaling back the number of lanes but at this time they felt it was most cost effective to install the lanes at this time and reducing the right-of-way on the south side was a combination of moving the road over the 42' plus eliminating the space it took for the path on the south side. Mr. Denny asked why not have the utilities set their lines over in case in the future we need to widen the lanes? Mr. Locke stated because if we don't acquire the right-of-way now they will not go out there, they will put it in the right-of-way that exists currently in most cases. Mr. Denny stated he understands Westfield Boulevard has about 20,000 cars a day and it is a two lane highway, what has been done about that? Why not take your money and put it in where we really need it on streets and highways like at 116th Street and Brookschool Road? It is a mess. Mr. Locke stated every public hearing he has ever been to the people have always felt that some place other than their neighborhood was the right place to spend the money. Everyone feels that money is better spent in another area. Everyone uses those roads. Mr. Locke stated one of the things we did on 146th Street was a study that showed that several people were interested in it. People don't come to meetings if they think the project is going to happen.

Mr. Tom Strayer, 6791 W. 1000N, stated the one thing that has not been discussed is the bridge project, Bridge #262. His property is on both of these projects and he wants to make sure that those two projects are coordinated. He sees slow movement on 96th Street project, but the bridge project being a federal project seems to be moving ahead a lot quicker. He has heard one person say there will not be a dramatic effect in the right-of-way that was needed on the south side and the current plans he has seen for the bridge project call for an additional 21' of his property would take his septic system out. He wants to make sure this is addressed at the same time of the 1000N project.

Holt asked Mr. Locke, one of the issues that has not been addressed is where is the traffic going to come from that you see a five lane stretch is necessary? We know the bridge to the west is not going to be enlarged. Where will the traffic come from? Mr. Locke stated we are looking at traffic primarily developing on 96th Street and north up through 131st and 136th Street. There is a large subdivision being developed at the corner of 126th Street. We are looking at a lot of that traffic coming to the south and going back to the north in that area. We also foresee the development along 96th Street would continue to Fortville. The schools are adding one new elementary school every year for the next 9 years. They have a project along Olio Road and 104th Street that they said would be several years off, is now going to be fast tracked and will be completed within 9-12 months. A year ago they said that school would be several years off and they were going to concentrate on several other schools first. We see that entire area exploding. Holt asked on the Thoroughfare Plan, how long has 96th Street in that vicinity been labeled as a major thoroughfare? Mr. Locke stated it has been on since 1989. We do look at the Thoroughfare Plan from time to time and we do periodic updates in particular areas. We have done a county wide study on the corridors with recommended number of lanes with projected traffic volumes. The study is winning an award as one of most progressive things that a county has done in many years. Other counties do not look this far ahead and do the kind of planning that we are doing. We are trying to look at today's issues, plus the future and we want to make sure we are doing things right with the least cost. Clark stated we did a corridor on the west side when the residents were concerned about the width and labeling of 96th Street and it was a very fruitful study and she has heard these people ask for a corridor study on that part of 96th Street. We did not do a

study in 1989, we just labeled all of our roads without benefit of land use. Clark stated she believes land use is not determined on 96th Street, it is residential it is not going to any commercial area on the east side. On the west side we have two lane Fall Creek Road, which would seem it would be time for a corridor study of that segment to actually know what our Thoroughfare Plan should say. Mr. Locke stated the study we will be receiving the award for has taken into account that they went to every one of the planning jurisdictions and did all their land use. Those numbers are available and the recommendations are available on that particular section of road. Clark stated that was a macro and she is talking about a micro section of road. It was very beneficial on the west side. It identified the commercial areas as separate from the residential areas and was a great benefit.

Ms. Marie Cook, corner of 96th Street and Olio Road. At the beginning of this stage it was Stop Signs, now it is a huge massive intersection with a Stop Light and video camera. The only thing she ever sees problems with are the boats that try to make the sharp curve and the gravel trucks from IMI. The IMI plant will close in three years so we won't have the gravel trucks and the road construction traffic. Why was that intersection changed to be a massive intersection with a video camera and stop light that costs an extreme amount of money that could be used elsewhere? Ms. Cook stated she will not go shop on 116th Street at the new grocery stores because she won't travel on 116th Street. We do not have any problems with our 96th Street being two laned, the bridge is going to be two laned and all around Fall Creek is two laned. Clark stated the bridge on Fall Creek is going to be four lanes. How is this going to save congestion if we are all bottle necking down and she does not understand 96th from Fall Creek from Lantern Road is still 2 lane. Clark asked Mr. Locke what are the plans for the rest of 96th Street east where the commercial area is, between Cumberland and Mollenkopf? Mr. Locke stated we are currently working on a project for 96th Street and Mollenkopf and 96th Street and Fall Creek where there will be signals, additional lanes. We are looking at primarily 5 lane approaches on those. It will only be 3 lanes currently between Fall Creek and Mollenkopf. Mr. Locke stated 96th Street between Mollenkopf and Lantern is partly 4 lanes and Fishers is working on a project to bring 5 or 6 lanes. Ms. Cook stated it is two lanes with turn lanes, why can't we have that?

Mr. Jim Orum, Cardinal Woods, he is also on the McCordsville Town Council, but he is speaking as a private citizen. He has attended all of these meetings and he knows the highway department has gone out of their way to listen to their concerns of the people and put forth as honestly as they can their plans. Folks who live along the road in Hamilton and Hancock County do not want to see a five lane road. An idea of a 2 lane road with passing blisters would be more than adequate.

Mr. Dan Justice, Highland Springs South, asked Mr. Locke what utilities need to be brought down through 96th Street? Mr. Locke stated the Town of McCordsville is looking at bringing a sewer down through that area. In addition we are getting an increasing amount of fiber optics. As those areas develop further to the east of that location they will have to reinstall or redo all of the electrical lines, a lot of the telephone lines, gas lines, etc. If we can get them to work with us and do these projects right we can arrange it so it only has to be done once. Mr. Justice stated he can't believe we are going to spend taxpayers money on a 3/4 mile stretch of road to put 5 lanes and there is no place around us that has 5 lanes. Our taxpayer money can be used elsewhere.

Clark stated Commissioner Holt represents that district. Clark stated from the beginning she has opposed a five lane commercial road in a residential area. She was out voted. Holt stated he

thought the Town Council was put on the agenda as an accommodation and he learned the Town Council does not meet until tomorrow. The observations that have been made have some merit, when we sat through the subsequent presentation after receiving the Town's letter and we have been contacted by a lot of folks in Hamilton County all along on this and the continuing refrain is why 5 lanes where it does not go anywhere. That is a problem that he does not think he has been able to come to grips with. He understands what the Highway is saying, economically the most responsible way is to do it once and do it right. He was swayed by that during our working session when we looked at 2 lane alternatives, particularly 2 lane alternatives where you could put a large median in, make it a parkway type road and then if traffic at a later time dictated then you could fill it from within. Those that lived along the road were objecting to right-of-way being extracted. It was no solution for that at all. It got us nowhere with the utility dilemma which is hard to visualize, which costs us millions of dollars when we don't reserve right-of-way where we believe there is a future need for a larger road to be constructed, you just pay twice which does not make sense. Holt stated we should wait for the Town's response and then go on and make a decision of whether a corridor study should be undertaken, whether we should move forward in a scaled back fashion or move forward with the option that was sent to the Town Council for their input. Holt stated he is not going to commit this afternoon. It would not be appropriate when we have asked McCordsville to weigh in and that has not been done yet. Holt asked Mr. Locke to give a time line for what you visualize the process being if the decision is made to move forward with the scaled back 5 lane plan? Mr. Morasch stated we have yet to start the design of the project, but once a decision was made on the typical cross section we could get our engineers started and sometime by early Fall we could have a preliminary design completed where we could have some detail cost estimates. Then we would be ready to start the right-of-way engineering process and go from there. Mr. Locke stated 2003 for right-of-way and 2004 for construction. Clark asked when will the public have an opportunity for input? Mr. Morasch stated he would visualize that once we have the preliminary design far enough along we would have another meeting. Holt stated we asked you to hold up on the preliminary design because of the controversy swirling on this because we did not want to spend the money on preliminary design if it was not likely to be final design. That takes you to it's a done deal frame of mind when you think about the preliminary design because you have spent the money on it and then it is awkward to say 18 months after we started this process that we may have overstretched. Holt stated as soon as we get a response from McCordsville in the next week, procedurally did you visualize this coming to the next commissioners meeting for a yes vote to go forward with preliminary design? Mr. Morasch stated yes, once we get a response from McCordsville then we would come to the Commissioners with the response to make a final decision on the cross section to pursue, Clark asked at our February 25th meeting? Mr. Morasch stated correct, if we get a timely response from McCordsville. Holt stated given the representation that Dillinger made that there would be a subsequent public meeting and given the fact this territory has switched from his district to mine, he would like to have the public meeting. The dilemma is the concerns we have heard repeatedly and there is no new news on your part today. It was hoped the new 5 lane version might win some converts, they did not come this afternoon. Holt stated let's commit that there will be commissioner discussion 2 weeks from now and the options would be to schedule a public meeting, to schedule a vote the meeting following or to discuss other options. There may be remedies that these folks would want more than a public hearing, so why don't we leave those options open rather than making a commitment this afternoon. Clark stated she thinks the people need to have an opportunity to

respond and that gives them that opportunity. Holt stated they have responded and they came today because there is a new plan on the table. No one has responded affirmatively. Two weeks from today we should not take final action to move forward with the preliminary design, we should discuss the options that are available and if there is a consensus that we should move forward that the vote would be delayed to the meeting after next so anyone who wanted to would have a right to remonstrate. Clark stated on March 11th, she will be gone. Holt stated it is easy to say we can have a public hearing and we can hear it again. If there are other options that make more sense than yes, then we should brainstorm those and we should have all three of us here to do that. Clark asked if we could put the actual vote off to March 25th. Mr. Wood stated the only thing in debate for the Town of McCordsville is whether it is 5 lanes with a multi-use path or 5 lanes without the multi-use path on the south side. The road project will remain the same. Mr. Wood asked the Commissioners to take the new traffic counts in to consideration.

**Tri Kappa Proclamation:** (Tape 1, #2354)

Holt motioned to proclaim February 17-23, 2002 as Tri Kappa Week in Hamilton County. Clark seconded. Motion carried unanimously.

Clark called a break in the meeting at 3:00 pm. Clark called the meeting back to order at 3:10 pm.

**Bid Openings:**

Mr. Howard and Robin Mills opened the bids in the Commissioners Conference Room 1A.

**Sheriff's Annual Gasoline Bid:**

Mr. Howard opened the bid for the Sheriff's Annual Gasoline Bid from Hamilton County Co-Op with a unit & price - \$ .676 and rack & addition \$.16. Mr. Howard stated the bid for the Sheriff's Annual Gasoline Bid was opened and will be referred the Sheriff's Department for review and recommendation at the next meeting.

**Bridges:**

Mr. Howard opened the bids for Bridges No. 195, 196, & 197, Westfield Blvd. Over Cool Creek. Bid Bond, Form 96, Non Collusion Affidavit, Financial Statement and Acknowledgment of 2 Addendums were included unless otherwise specified. 1) George R. Harvey & Son - \$515,803.41. 2) American Contracting - \$424,264.05. 3) Smock Fansler - \$498,000.00. Mr. Howard stated the bids for three bridges will be recommended later in today's meeting.

**ISS Server:**

Mr. Howard opened the bids for IBM p Series 660 Server. Bid Bond and Form 96 were included unless otherwise specified. 1) Manatron - \$218,641.00 + freight. 2) Solution Technology - \$168,612.08. Check in the amount of \$10,000.00 was included in lieu of bid bond. Mr. Howard stated the bids for the Server will be referred to the ISS Department for review and recommendation at the next meeting.

**Bridge No. 195, 196 & 197 Bid Award:**



Mr. Locke recommended the bid for Bridge Nos. 195, 196 & 197, Westfield Boulevard over Cool Creek be awarded to American Contracting in the amount of \$424,264.05. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-93-0005 - Peerless Insurance Annual Permit Bond Continuation Certificate issued on behalf of Tom E. Strong Excavating, Inc. in the sum of \$25,000 to now expire 1/8/03. 2) HCHD #B-97-0055 - Travelers Casualty and Surety Company Continuation Certificate issued on behalf of Woodland Country Club for sign and sign hanger license is extended to 4/16/03. 3) HCHD #B-02-0007 - Safeco Insurance Company Subdivision Bond No. 6153667 issued on behalf of Centex Homes, a Nevada General Partnership, in the sum of \$5,000 for temporary stone drive at Hayden Run, Section 1 to expire 1/29/03. 4) HCHD #L-02-0001 - Union Planters Bank Letter of Credit No. L020687 issued on behalf of Windsor Grove, L.L.C. in the sum of \$51,340.00 for surface coat, binder and curbs in Windsor Grove Subdivision, Section II to expire 2/5/03. Holt motioned to accept. Clark seconded. Motion carried unanimously.

**Agreements:** (Tape 1, #2868)

**Bridge No. 45 Supplemental Agreement No. 3:**

Mr. Locke requested approval of Supplemental Agreement No. 3, HCHD #E-00-0017, with Congdon Engineering Associates, Inc. (CEA) for replacement of Hamilton County Bridge No. 45 carrying Six Points Road over Henley Creek. This adds construction inspection to the agreement in the amount of \$14,000.00 for a total new not to exceed of \$66,575.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Little Eagle Creek Avenue Culvert Supplemental Agreement No. 1:**

Mr. Locke requested approval of Supplemental Agreement No. 1 with Woolpert, LLP for Little Eagle Creek Avenue Culvert replacement 2800' south of Towne Road. This supplement is for appraisal services in the amount of \$7,200.00 for a new not to exceed of \$51,250.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bridge No. 208 Inspection Agreement:**

Mr. Locke requested approval of an inspection agreement, HCHD #E-02-0001, with Pennoni Associates, Inc. for structural steel fabrication inspection for Bridge No. 208, Field Driver over White River. Mr. Locke stated normally INDOT would perform this inspection, but they do not travel out of state to do these inspections. This is the same firm that INDOT contracts with to perform their inspections. The inspection services are an hourly agreement not to exceed \$30,000.00. The inspection will take place in Bowling Green, KY where the steel is being fabricated. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**I-69 Transportation Study Interlocal Agreement:**

Mr. Locke requested approval of the Interlocal Agreement for the Transportation Study of the Interchange I-69 at Exit 10 (SR 238) and an Interchange at I-69 at Cyntheanne Road between

Hamilton County, the City of Noblesville and the Town of Fishers. This agreement will come up with a right-of-way print to reserve right-of-way for these 2 interchanges and to look at a bridge on Olio Road across I-69 for right-of-way reservation for the Thoroughfare Plan. This will also look at reconfiguring 136th Street and Olio Road. This agreement will look at traffic at the Exit 10 interchange and make recommendations to look at doing the actual geometric for the interchange. This is also tied in to working with the State for the possible relinquishing of SR 238 and what improvements we would like the State to do at that interchange. Each of the three parties would share one third of the costs and the estimated costs are \$40,000 for each share. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Release of Escrow - E&B Paving:**

Mr. Locke requested release of an Escrow Account with National City Bank for E&B Paving, Inc. for the Olio Road Project, Contract #2. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Concurrence with Traffic Study Correspondence:**

Mr. Locke requested approval of the concurrence with traffic study correspondence. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Correspondence: (Tape 1, #3214)**

#### **Non-platted Subdividing:**

Mr. Locke requested approval of letters to be sent to Arcadia and Westfield following up on the request for them to review their policy regarding the subdividing of non-platted ground within their planning jurisdictions. To date we have not had a response from them. Mr. Locke asked if the commissioners want the Highway Department to keep pursuing it? Clark stated she and Judy Levine are going to Westfield this evening and they will ask about it. Holt motioned to send the proposed letters to Arcadia and Westfield Plan Commission. Clark seconded. Motion carried unanimously. Holt asked if we should copy the letter to their elected officials? Clark stated yes, she will carry the letter to Westfield this evening.

**Clark called a break.** Clark called the meeting back to order.

#### **Highway Status Report:**

Mr. Locke asked if there were any questions regarding the Highway Status Report sent over last week? No questions were asked.

#### **Permission to Advertise:**

#### **Bridge #177, 146th Street over Sand Creek:**

Mr. Locke requested permission to advertise for Bridge #177, 146th Street over Sand Creek. Bids will be open March 11, 2002. Mr. Locke also requested signatures on the Title Sheet for Bridge #177. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Resurface Contract Project 02-1:**

Mr. Locke requested permission to advertise for Resurface Contract Project 02-1, Various roads in Adams and Washington Townships. Bids will be open March 11, 2002. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Right-of-Way Issues - 146th Street: (Tape 2, #70)**

Mr. Locke requested direction on some right-of-way issues. At Our Lady of Mount Carmel Catholic Church, Oak Ridge Road and 146th Street there are areas that are going to be excess right-of-way, the church has built a parking lot on part of them. Some of those are dedicated right-of-ways to the county, they are not just apparent right-of-ways. We are proposing to vacate both the apparent right-of-ways and the platted right-of-ways. We also propose a dedication of right-of-way that we would like Our Lady of Mount Carmel to dedicate to the county in accordance to the County Thoroughfare Plan. We are working with the church to get some signals installed. We are also waiting on payment of money back in the amount of approximately \$35,000 for driveway installation that we did as part of our project. Mr. Locke asked if the Board approves of the concept of acquiring right-of-way in exchange for vacating other right-of-way along those same properties and if so, how do we go about it? Mr. Howard asked if the church owns the land on either side of the dedicated and non-dedicated right-of-way? Mr. Locke stated they own both sides of Oak Ridge Road. Mr. Howard stated they would be the only person with notice. Mr. Locke stated on the vacation that is the adjacent property owners to the north. We are one of the property owners, the gas company is the other owner. At some point we will propose vacating the right-of-way along their facility. Mr. Howard stated the vacation has to go to notice of public hearing. The instruction of the Commissioners would be whether you want the Highway Department to proceed to clean up the right-of-way issues with a dedication and a vacation. Mr. Locke asked if they should contact the church first to request a dedication in concurrence with the vacation? Mr. Howard stated yes. Holt motioned to approve. Clark seconded. Clark asked if that is when we start a public hearing process? Mr. Howard stated yes, there will be a public hearing with notice to all the adjoining property owners. Motion carried unanimously.

#### **Road Funding:**

Mr. Locke stated he testified before the State House, Ways and Means Committee and Mr. Locke presented a copy of the information he presented to the Commissioners. We have seen on the average a 2.5% decrease in spending power in each year since 1984. Our vehicle miles traveled has gone up in Hamilton County about 7.9% annually. In actual dollars received we went from primarily being State funded in 1984 to almost 80% locally funded and 20% State funded in 2002. While we may have a budget close to \$22 million it will only buy us \$15 million of improvements in terms of 1984 construction. The State funding has dropped substantially per vehicle mile traveled. We have went from \$2,000 to about \$750 per vehicle mile traveled. The actual amount of user fees for every mile traveled is substantially less than what it was because of the improved gas mileage. Clark asked Mr. Locke to get a copy of this information to the County Council.

#### **Annual Highway Bid Awards:**

Mr. Tom Stevens stated he has reviewed all the bid packets received for the annual Highway Department bids and recommended the bids be awarded as follows: **Category 1 - Aggregates:**

1a Stone Aggregates award to Irving Materials, Inc.; 1b Gravel Aggregates award to Martin Marrietta for snow and ice abrasives and to US Aggregates for commercial grade 53's. **Category 2 - Bituminous Mixes:** 2a Paving Mixtures award to Marzane, Inc. for area of county west SR 19, north of SR 32 and west of White River, south of SR 32. Award to E&B Paving, Stony Creek for remainder of county. **Category 4 - Pipes/Drainage Structures:** 4a - Corrugated Metal Pipe award to St. Regis Culvert, Inc. 4b- Corrugated Metal Pipe Arch award to Metal Culvert, Inc. 4d- Structural Plate Pipe award to Metal Culvert, Inc. 4c- Structural Plate Pipe Arch award to St. Regis Culvert, Inc. 4f - Aluminum Box Culvert award to St. Regis Culvert. **Category 5 - Pre-engineered Bridges & Components:** 5a - Treated Timber Bridge Structures and Bridge Packages award to American Timber Bridge and Culvert. 5c - Reinforced Concrete Culvert award to Bridge Tek. **Category 7 - Salt:** Award to North American Salt Company. **Category 8 - Pavement Traffic Markings** - 8a - Painted Marking & 8b Thermoplastic Markings award to T&R Pavement Markings, Inc.. 8c- High Durability Performed Markings award to United Rentals Highway Technologies, Inc. 8d - Polyester Painted Markings award to T&R Pavement Markings, Inc. 8e- Road Survey award to Chemi-Trol Chemical Company. 8f - Removal of Pavement Markings award to T& R Pavement Markings & United Rentals Highway Technologies, Inc. **Category 9 - Weed and Brush Control Chemicals** - award all of category 9 to Townsend Tree Service Co., Inc. **Category 10 - Equipment and Labor** award to Mt. Hood Tree Services, Inc. **Category 11 - Gasoline, Fuel & Lubricants** award all of Category 11 to Hamilton County Co-op. Holt motioned accept the recommendations of Mr. Stevens in regards to the annual bids for the Highway Department. Clark seconded. Motion carried unanimously.

#### **Annual Report for the Hamilton County Highway Department:**

Mr. Stevens recommended approval of the Annual Operational Report for Hamilton county Highway/City/Town Street Department for year ending December 31, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **256th Street Prosecution:**

Holt asked Mr. Locke where are we in the prosecution of the 256th Street dumping in right-of-way? Mr. Howard stated it is in limbo in the Prosecutor's office and we are going to take it back, but he has not done that yet.

#### **236th Street Project Public Meeting:**

Mr. Locke stated there will be a public meeting for the 236th Street Project on February 26, 2002 at 7:00 pm in the Commissioners Courtroom.

#### **Road Concerns:**

Clark stated she has received calls on the 106th Street gravel and 146th Street speed limits and she would like Mr. Locke to look into them. Holt stated he has received calls on the 146th Street speed limits also. Mr. Stevens stated until the final surface is put on 146th Street there is still an inherent hazard out there.

#### **Ameritech Contracts: (Tape 2, #589)**

Ms. B.J. Casali requested approval for the Ameritech Contracts for Centrex phone lines. Holt

motioned to approve. Clark seconded. Motion carried unanimously. Ms. Casali stated we have attempted to have a wireless link for the Parks Department and it not working out. We have an addendum to the existing contract with Ameritech for the Parks Department to have a T-1 connection. The addendum is in Ms. Casali's name, she can have the addendum rewritten or with Commissioner's approval she can sign the addendum. Holt motioned to authorize Ms. Casali to sign in our stead on these contracts. Clark seconded. Motion carried unanimously.

#### **Westfield:**

Clark asked Mr. Locke if there is any information they need to share with the Westfield Town Board regarding road work being done in their area? Mr. Locke will check. Clark asked if the 3 bridges in Westfield will be constructed this summer? Mr. Locke stated yes.

#### **Commissioner Committee Reports: (Tape 2, #700)**

#### **Emergency Management Radio Communications:**

Mr. Hendericks stated since he has moved into his new office on Pleasant Street there is a need for him to get a radio on the air that has the capability of communicating with the State Emergency Management Agency in Indianapolis. Mr. Hendericks presented five options for Emergency Management Agency Communications for the Commissioners to review. The radio tower which is located on the site is a read tower, which is one that has hollow tube legs and tends to be durable in construction as long as it is in place. If it would be removed and relocated it would probably not be strong enough to be moved to a new location. He does have a company coming to see if it could be moved. If the choice is to do nothing he would use a temporary antenna set-up on a short mast and operate radios out of there. He can communicate with Indianapolis on his mobile radio located in his vehicle. Clark asked Mr. Locke if he knows anything about the tower? Mr. Locke stated it pre-dates all of us. We had a separate overhead line that we ran from our office. Mr. Hendericks stated one of the options is to locate a radio in the bull pen. Buildings and Grounds have suggested that it might cost a substantial amount of money to put that building in condition to use. It would be necessary to heat the building. Clark asked if we have a cost for that? Mr. Hendericks stated no. Clark asked if that building has its own heating unit? Mr. Hendericks stated there is a furnace in it, the chimney looks like it is not in very good condition. Mr. Locke stated the actual transmitter was located in that building for the Highway Department. Clark asked Mr. Hendericks if he will get further information for them? Mr. Hendericks stated the tower will be looked at this week, experience has told them that it will not be worth moving. Holt stated he is intrigued with Option #5, if that is what we adopted until we get through the retreat it would make more sense than spending a lot of time on this. Mr. Hendericks stated he will have additional costs from the tower company and he will check with Buildings and Grounds.

#### **Attorney: (Tape 2, #1)**

#### **Redevelopment Commission Appointment:**

Mr. Michael Howard stated the Hamilton County Redevelopment Commission is in the process of refinancing the Thomson Bonds and the financing of the 146th Street Ramps Project. Mr. Howard requested the Commissioners make an appointment to replace Ed Costomiris on the Hamilton County Redevelopment Commission who is physically unable to serve.

**Ordinance 2-11-02-A, Animal Control Ordinance:**

Mr. Howard stated he has included a penalties section to the Animal Control Ordinance. He has reviewed the changes made to the ordinance and introduced Ordinance 2-10-02-A, Hamilton County Animal Care & Control Ordinance. Holt motioned to amend the ordinance title to 2-11-02-A. Clark seconded. Motion carried unanimously. Holt motioned to introduce 2-11-02-A for first reading. Clark seconded. Motion carried unanimously. Holt stated final approval at the next meeting might be a little too fast. There is logic to disseminate the ordinance to the municipalities for their input. Holt suggested 3 meetings from now, when we have a full quorum would be a more logical time for discussion and hopefully final passage. Clark stated she hoped to have something for the retreat. Ms. Levine stated the retreat item is more about the facility and the whole picture being discussed. Mr. Howard stated this is a regulation ordinance. The permit fees will not create a revenue stream sufficient that it is going to resolve any of the fiscal issues that you would be discussing at the retreat.

**March 11, 2002 Meeting:**

Mr. Howard stated he will be leaving at 2:45 pm on March 11, 2002 and he has requested he put his agenda items earlier on the agenda and if there is anything else the Commissioners would handle it accordingly.

**Fiduciary Responsibility Proposal Form:**

Clark requested approval of the Fiduciary Responsibility Select Insurance Policy Proposal Form. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Auditor:** (Tape 2, #1808)

**Release of Bonds/Letters of Credit - Drainage Board:**

Ms. Robin Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB - L00-0027 - First Indiana Bank Standby Letter of Credit No. 10327-2D for Arbor Grove, Section 1 storm drainage and erosion control in the amount of \$254,592.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Prevail Grant Certification:**

Ms. Mills requested approval of a Prevail Grant Certification. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Payroll Claims:**

Ms. Mills requested approval of the Payroll Claims for the period of January 19, 2002 thru February 2, 2002 to be paid February 15, 2002. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of the Vendor Claims to be paid February 12, 2002. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Liability Trust Claim:**

Mr. Howard requested approval of a claim from the Liability Trust payable to Speciality Risk Services, Inc. in the amount of \$43,200.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Administrative Assistant:****Leadership Development Seminar:**

Mr. Swift requested he be allowed to attend a Leadership Development Seminar on February 19, 2002. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Tabled Items:**

Clark motioned to remove from the table the Passing Blister Study tabled on June 9, 1997. Holt seconded. Motion carried unanimously.

Clark adjourned the meeting.

**Commissioner Correspondence:**

Hancock County Board of Commissioners Letter regarding Proposed Reconstruction of 96th Street

Janus Developmental Services Notice of Federal Fund Application Submittal

Town of Fishers Notice of Public Hearing:

11637 Olio Road Zoning Variance

City of Noblesville Notice of Public Hearing:

Clover Road

DNR Notification of National Register of Historic Places:

Noblesville Milling Company Mill

Beam, Longest and Neff Transmittal Notices:

Hamilton County Culvert Plans

Bridge No. 237, Deer Ridge Drive over Mitchener Ditch

Bridge No. 135, River Avenue over Cicero Creek

IDEM Notice of Decisions - Industrial Dielectrics, Inc.

IDEM Notice of Sewer Permit Applications:

The Links at Gray Eagle, Section 4 - Fishers

North Plant Interceptor - Carmel

IDEM Notice of Appeal Rights:

Hayden Run, Section One - Carmel

Countryside, Section 7 - Westfield

Settler's Ridge at Haverstick, Section 2B

Butler Fairman & Seufert Dinner Invitation for Purdue Road School

**Present:**

Sharon R. Clark, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Fred Swift, Administrative Assistant to Commissioners

Kim Rauch, Executive Secretary to Auditor

Michael A. Howard, Attorney

Tom K. Stevens, Highway Director

Les Locke, Highway Engineer

Wayne A. Farley, Sheriff's Deputy

Virginia Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

Dave Lucas, Highway Inspector

Robert Chadwell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Mark Fisher, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Morasch, Transportation Development Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer



Dustin Teachnor, Highway Assets Manager

Faraz Hahn, Highway Department

Kathy Howard, Highway Department

Dick Frost, Commentary to Commissioners

Peggy Driehorst, Tri Kappa

Carolyn Karrfatt, Tri Kappa

Barb Teitgen, Tri Kappa

Susan Ward, Tri Kappa

Cathy Kightlinger, Indianapolis Star

Judy Levine, County Council

Lynn Shonk, Tri Kappa

Barry Wood, 96th Street

Mark Cook

Verona Cook, Tri Kappa

Wayne Denny, 96th Street

Bob Rhinesmith, 96th Street

COUNTY BOARD OF COMMISSIONERS

Ronetta Carroll, 96th Street

Ann Breslin, 96th Street

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Tom Strayer, 96th Street

Claire Strayer, 96th Street

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Bradley Strayer, 96th Street

Liz Najjar, 96th Street

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Ameen Najjar, 96th Street

Bill French, 96th Street

Jay Beattey, 96th Street

APPROVED

HAMILTON

ATTEST

Patrick Avery, 96th Street

Floyd Burroughs, Floyd Burroughs & Associates

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Dick Harvey, George R. Harvey & Sons  
Auditor

Robin M. Mills,

Dianna Deckard, 96th Street

Elvie E. Deckard, 96th Street

Stephen Cavanaugh

Brian Newman

Dave Richter, United Consulting

Bob Hendericks, EMA Director

Steve Hardin